



U.S. Department of Justice

*United States Attorney  
Western District of Tennessee*

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800 Federal Building  
167 North Main Street  
Memphis, Tennessee 38103

Telephone 901.544.4231  
Fax 901.544.4230  
TTY 901.544.3054

September 28, 2010

Mr. David Bell  
Assistant Federal Defender  
OFFICE OF THE FEDERAL DEFENDER  
200 Jefferson Avenue, Suite 200  
Memphis, Tennessee 38103  
**VIA FIRST CLASS U.S. MAIL, POSTAGE PREPAID**

Re: United States v. William Harness,  
Cr. No. 10-20194-SHM

Dear Mr. Bell:

I am currently in receipt of your letter requesting discovery in the above-referenced matter. Pursuant to said request, please be advised as follows:

1. As to Rule 16(a)(1)(A) and (B) Statement[s] of Defendant, please be advised that on March 31, 2010, your client made a statement to federal law enforcement agents regarding this matter. A copy of a redacted Drug Enforcement Administration Form 6 (Report of Investigation) written by DEA Task Force Officer Joshua L. Pike is enclosed. A copy of this redacted report, consisting of four (4) redacted pages, which contains the content of your client's statement is enclosed herein for your review.<sup>1</sup>

2. As to Rule 16(a)(1)(D) Defendant's Prior Record, enclosed for your review is a copy of your client's prior, known criminal record, consisting of two (2) pages, is enclosed herein.

3. As to Rule 16(a)(1)(E) Documents and Tangible Objects, please be advised that the physical evidence in this case consists of documents, photographs and audio recordings.

4. Enclosed are copies of the following items of physical

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<sup>1</sup>The redacted report includes numbered paragraphs 6, 7, 9, 9, 10, and 12 in their entirety.

evidence for your review:

A. Four (4) color copies of texts messages;

B. a CD containing photographic images of the text messages in jpg format and twelve (12) audio files in wav format. A copy of a list of these files is enclosed for your review.

5. As to Rule 16(a)(1)(F) Reports of Examinations and Tests, please be advised that there are no such examinations or tests for use in this case.

6. As to Rule 16(a)(1)(G) Expert Witnesses, the government does not presently intend to use an expert witness at trial, but will notify you immediately should it decide to call such a witness.

7. As to your request pursuant to Rule 12 (b)(4)(B), regarding items seized by law enforcement agents which could be the subject of a motion to suppress under Rule 12(b)(3)©, please be advised that none of the evidence in this case was seized from the person of your client.

8. As to the use of any electronic surveillance or wiretap in the investigation of this case, please be advised that recordings were made of telephone calls between an informant and your client. For more information on this subject, please review the calls on the CD noted in Paragraph 4.B. above.

9. As to your request concerning possible Rule 404(b) evidence, please be advised that the United States is presently unaware of the existence of any such evidence.

10. The government is presently unaware of any exculpatory evidence regarding your client in this case, but is cognizant of its continuing obligation to make such evidence available in a timely manner, should it exist. Additionally, the United States is aware of its continuing obligation to make any impeachment evidence available in a timely manner, should it exist.

11. If upon receipt, you do not find an item referenced herein enclosed with this letter, please contact me immediately.

12. And now having fully responded, the United States hereby requests any and all reciprocal discovery to which it may be entitled pursuant to Rule 16(b) F.R.Crim.P., and applicable case law.

Very truly yours,

Edward L. Stanton, III  
United States Attorney

By: s/Joseph C. Murphy, Jr.  
Joseph C. Murphy, Jr.  
Assistant United States Attorney

cc: U.S. District Court Clerk (w/o enclosures)

Enclosures